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March 07, 2007

Honorable Joan M. Azrack
United States Magistrate Judge
USDC/Eastern District NY
225 Cadman Plaza East
Brooklyn, NY 11201

Re: Soto v. United States of America et al
Docket Number: 06 CV 3711 (CBA) (JMA)
Our File Number: 06K0953

Dear Magistrate Azrack:

We are the attorneys for the defendant Charles A. Hoffman in the above-captioned action. We are writing in regard to the question of the appearance of plaintiff Jacquelin Soto in response to the counterclaim asserted by Mr. Hoffman for contribution for the cause of action of plaintiff Michael Soto. At the conference held on January 9, 2007 the Court indicated that all appearances were to be made by February 6, 2007. To date we have not received any reply to the counterclaim either from the plaintiff's office or from any other office which would be defending Ms. Soto on the counterclaim. Since the case has now been assigned to the mandatory arbitration proceeding, and since we do not believe that the arbitrators would be willing to rule on the question of any default on the part of a party in responding to a pleading, we would wish to make a motion to either compel a reply or have the plaintiff be deemed in default. We assume that any such motion would have to be made to Judge Amon and we would wish to know whether we should proceed in this fashion.

Thank you for your attention to this matter.

Very respectfully yours,

John W. Kondulis, Esq.
JAMES G. BILELLO & ASSOCIATES

JWK/jp

CC:

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Plaintiffs' Counsel to Notify
Court re: Soto representation
on counterclaim. Notice is
due to court by 3/19/07

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using

3/8/07

RECEIVED BY THE CLERK OF THE COURT
TO BE KEPT A COPY OF THE ORDER
ON ALL PARTIES UPON REQUEST